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**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

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ASALIAH MURIB,	)	
	)	
Plaintiff,	)	CIVIL ACTION
	)	FILE NO. 21EV004712
v.	)	
	)	
THE KROGER COMPANY,	)	
	)	
Defendants.	)	
	)	

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**DEFENDANT THE KROGER CO.'S PETITION FOR REMOVAL**

COMES NOW Defendant The Kroger Co. (hereinafter referred to as “Defendant” or “Kroger”) by and through undersigned counsel, and shows this Honorable Court the following:

1.

This action was filed in the State Court of Fulton County, Georgia. Plaintiff’s Complaint is attached hereto as Exhibit “A”. Defendant’s Answer is attached hereto as Exhibit “B”. Defendant’s Demand for Trial by a Jury of Twelve Persons is attached hereto as Exhibit “C”).

2.

The action is a civil action for personal bodily injuries and medical expenses where Plaintiff alleges she injured her right foot, right ankle, right anterior shin, right inner thigh, right knee, and low back region at a Kroger store located at 4920 Roswell

Road, Atlanta, Fulton County, Georgia 30342, and the United States District Court for the Northern District of Georgia has jurisdiction by reason of the diversity of citizenship of the parties. The Atlanta Division of this Court is the proper Division for this removal as further set forth below. (N.D.G.A. Local Rule 3.1, (A), LR App. A, 1).

3.

The matter in dispute exceeds \$75,000.00, the statutory amount in controversy, exclusive of interest and costs, as evidenced by Plaintiff's Complaint for Damages filed August 9, 2021 wherein Plaintiff claims serious injury, present and future pain and suffering, special damages, general damages, continuing medical and healthcare expenses, punitive damages, and Plaintiff sets forth an incomplete itemization of medical expenses in excess of \$68,768.63 in Paragraph 14 of her Complaint. See Ex. A. Thus, the amount in controversy at the time of removal exceeded \$75,000.00. Therefore, the amount in controversy exceeds \$75,000.00 exclusive of interest and costs.

4.

A true and correct copy of all process, pleadings, and orders served upon Defendant The Kroger Co. in this action are attached hereto as Exhibit "D."

5.

- (a) At the time of the commencement of this action in Fulton County State Court, and since that time, Plaintiff Asaliah Murib was and is now, a citizen of Georgia.
- (b) Defendant Kroger at the time this action was commenced and at the present time, was and still is a corporation, incorporated and existing under and by virtue of the laws of Ohio having its principal place of business in Ohio, and a citizen of Ohio.

6.

The matter in controversy is between citizens of different States and, as outlined above, the amount in controversy exceeds \$75,000.00.

7.

Accordingly, this action, over which the United States District Court for the Northern District of Georgia has original jurisdiction under 28 U.S.C. § 1332, is removable to the United States District Court for the Northern District of Georgia pursuant to 28 U.S.C. § 1441(b).

8.

Venue is proper in the Atlanta Division of the United States District Court for the Northern District of Georgia pursuant to 28 U.S.C. § 1441, 28 U.S.C., and §1391(a)(2); see also N.D.G.A. Local Rules LR 3.1 and LR App. 1. The alleged cause of action arose in the Northern District of Georgia; specifically, the activity

complained of in Plaintiff's Complaint is alleged to have occurred in Fulton County, Georgia which is part of the Atlanta Division. N.D.G.A. Local Rule 3.4; LR App.

1.

9.

As required by 28 U.S.C. § 1446(d), Defendant Kroger shall give written notice hereof to all adverse parties and shall file a copy of this *Petition of Removal* with the Clerk of the State Court of DeKalb County, Georgia.

10.

This removal is appropriate and in compliance with 28 U.S.C. § 1446(b)(2)(A) as all defendants who have been properly joined and served join in and consent to the removal of the action.

11.

The instant *Petition of Removal* is timely filed pursuant to and in accordance with 28 U.S.C. § 1446(b) and Fed.R.Civ.P. 6(a)(1)(C) within thirty days after the receipt by the Defendant of Plaintiff's initial pleading setting forth the claim(s) for relief upon which such action or proceeding is based.

12.

Furthermore, the instant *Petition of Removal* is timely filed, pursuant to and in accordance with 28 U.S.C. § 1446(c)(1), within one year of the service of the summons and Complaint upon Defendant Kroger.

WHEREFORE, Defendant The Kroger Co. requests that this action proceed in this Court as an action properly removed to it.

Respectfully submitted this 9<sup>th</sup> day of September, 2021.

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**CERTIFICATE OF SERVICE**

This is to certify that I have this day served a copy of **DEFENDANT THE KROGER CO.'S PETITION FOR REMOVAL** with the Clerk of Court using the Court's electronic filing-and-service system, which will send electronic notification to all parties having appeared of record in this action:

Rita T. Williams, Esq.  
Ledia L. Regis, Esq.  
Williams & Associates Law Firm, P.C.  
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Decatur, Georgia 30030

Dated this 9<sup>th</sup> day of September, 2021.

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